



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Infrastructure and Land Use Committee

Tuesday, December 13, 2005

9:30 AM

Commission Chamber

Charles Anderson, CPA
Commission Auditor

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**Miami-Dade County Board of County Commissioners
Office of the Commission Auditor**

Legislative Analysis

**Infrastructure and Land Use Committee
Meeting Agenda**

Tuesday, December 13, 2005

Written analyses for the below listed items are attached for your consideration in this Legislative Analysis.

Item Number(s)

3A	3B
4B	

Supplementary Information for the below listed item is provided for your consideration in this legislative analysis.

4C	
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If you require further analysis of these or any other agenda items, please contact Guillermo Cuadra, Chief Legislative Analyst, at (305) 375-5469.

Acknowledgements--Analyses prepared by:
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LEGISLATIVE ANALYSIS

RESOLUTION RELATING TO COMMUNITY COUNCILS; PROVIDING FOR THE DISSOLUTION OF SUBAREA 102 AND THE CREATION OF A SECOND AT-LARGE SEAT IN WESTCHESTER COMMUNITY COUNCIL TEN

Sen. Javier D. Souto

I. SUMMARY

The proposed resolution modifies the composition of council seats in Community Council 10 in order to fill a current vacancy.

II. PRESENT SITUATION

In general, the boundaries of Community Council 10 encompass the area west of SW 57th Ave, north of SW 42nd Street, east of State Road 27, and south of NW 12th Street (see Attachment). Voting precincts in the area are divided into five (5) subareas and a single at large seat, composed of all the precincts. In addition, there is one (1) commission appointee seat.

Currently, Community Council 10 - Subarea 102 has been vacant since May 9, 2005. The vacancy is due to the past member's hiring as a Miami-Dade County employee and County Code prohibits employees from serving as members of community councils.

The vacancy has not had a negative impact on the frequency of Community Zoning Appeals Board ("CZAB") meetings. From April 5, 2005 to October 11, 2005 the Community Council has made quorum six (6) out of the seven (7) times the CZAB has met. However, unlike the other five (5) subareas, representation for Subarea 102 at zoning meetings has been limited to the at-large seat.

III. POLICY CHANGE AND IMPLICATIONS

This resolution, if adopted, would enact two policy changes:

1. The dissolution of Subarea 102 in Community Council 10.
 - Precincts No. 424, 425, 428, 429, 430, 431, 432 & 603 would be added to Subarea 103 for representation (they are also represented by the present at-large seat).
2. The creation of a second at-large seat.
 - The Council Member would be appointed from a list supplied by Community Council 10 by the County Commissioners whose district encompasses all or part of that council.
 - The appointed individual will serve until 2006, in conjunction with state primary elections.

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- The person elected to the second at-large seat will hold office until 2008, when the term expires.
- In 2008, the person elected will be elected to serve a four (4) year term, the term of office for Community Council members.

IV. ECONOMIC IMPACT

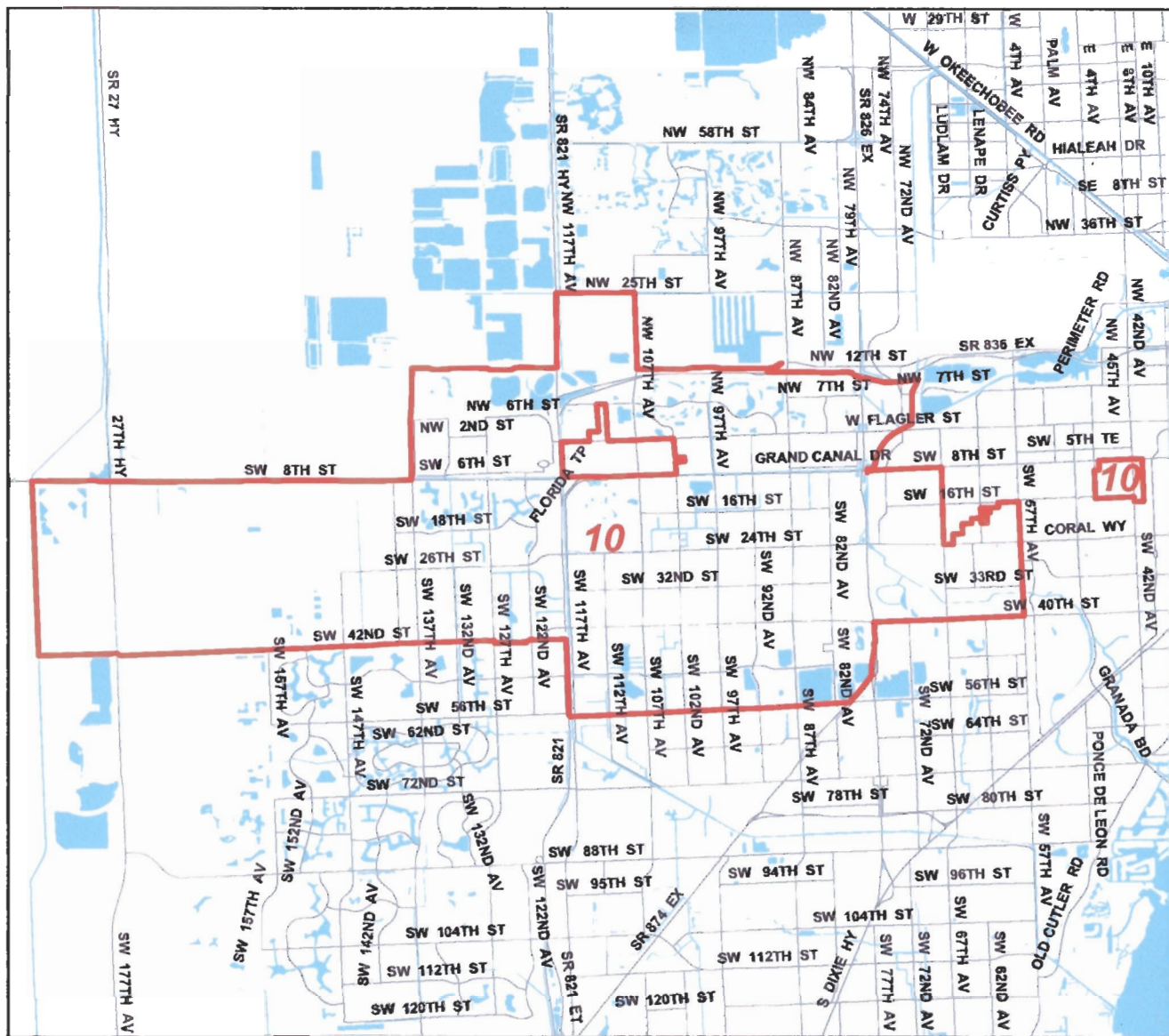
No economic impacts are expected to be generated by the implementation of this resolution.

V. COMMENTS AND QUESTIONS

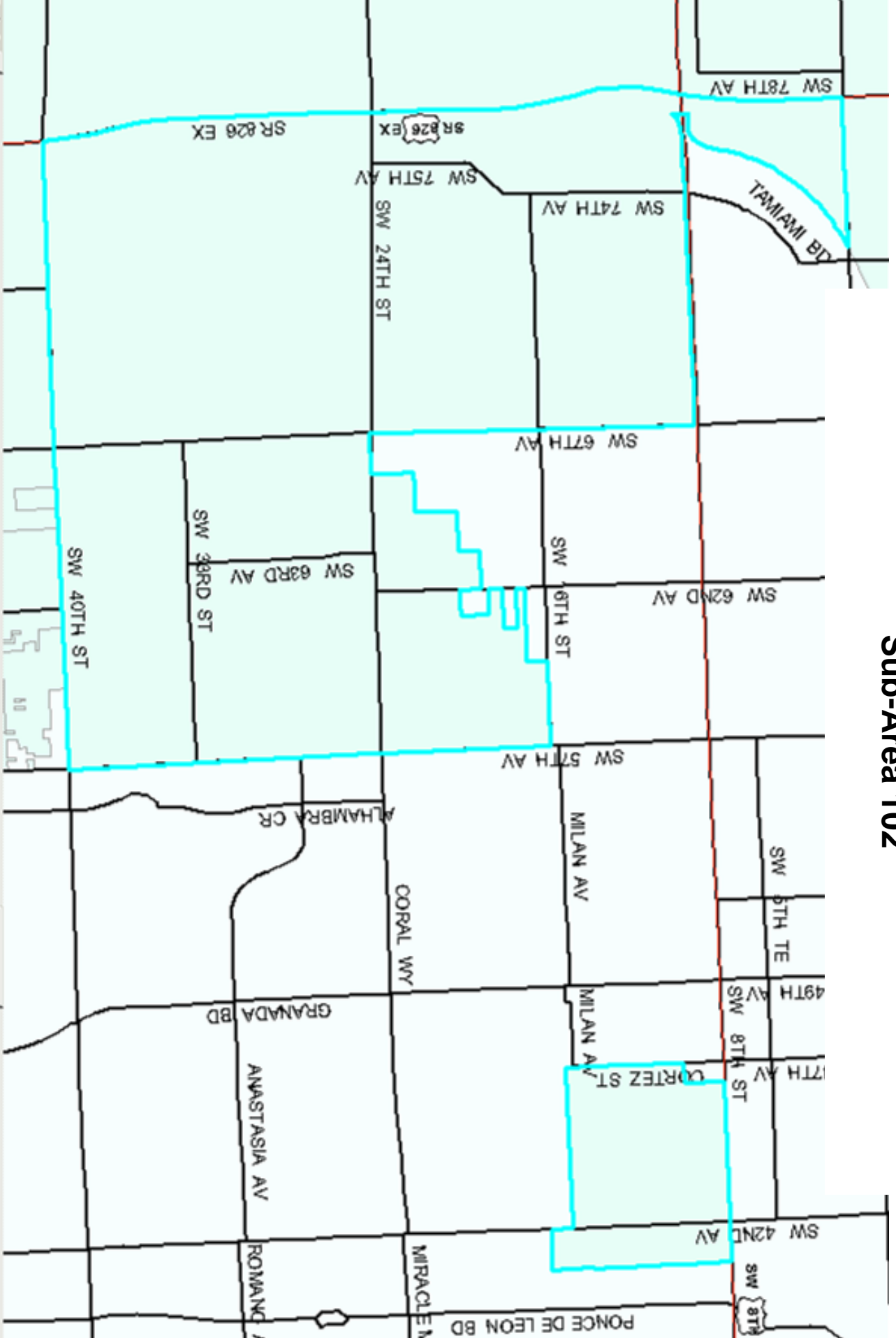
None.



COMMUNITY COUNCIL 10



Community Council 10 Sub-Area 102



LEGISLATIVE ANALYSIS

*ORDINANCE REPEALING SECTION 21-44 OF THE CODE RELATING TO
MANHOLES*

Commissioner Bruno Barreiro

I. SUMMARY

This Ordinance will repeal section 21-44 of the Miami-Dade County Code, regarding provisions placed on the use of utility manholes for repairs, maintenance, installation, or inspection in the County.

II. PRESENT SITUATION

On February 1, 1983, the Miami-Dade Board of County Commissioners adopted Ordinance 83-3 (better known as the “Manhole Ordinance”) creating Section 21-44 of the Miami-Dade County Code. Section 21-44 provides the safety standards, requirements, and penalties for manhole use in Miami-Dade County.

Section 21-44 mandates that:

- No person, firm, or corporation shall enter a manhole being used for repairs, maintenance, installation or inspection without the presence of a second person trained and capable of first aid and emergency rescue procedures. The second person shall also be furnished with communication equipment to summon additional assistance in an emergency.
- The second person must remain above ground with the primary responsibility of surveillance of the manhole operation while taking precautionary measures to avoid interference and accidents. (The second person may also take on other duties provided they do not interfere with the requirements of this section.)
- Every violation of any provision of Ordinance 83-3 shall be punishable by a fine not to exceed five hundred (\$500.00) or imprisonment in the County jail for a period not to exceed sixty (60) days or both fine and imprisonment at the court’s discretion.

Beyond Ordinance 83-3, utility companies providing service in Miami-Dade County must adhere to the regulations established by the U.S. Department of Labor Occupational Safety and Health Administration (OSHA). It is now common to find that utility companies are not only complying with state and federal standards (and in this case county standards) but, they often times take a step further by establishing their own safety guidelines for special procedures.

III. POLICY CHANGE AND IMPLICATION

- Repealing this manhole ordinance will waive the second person requirement during manhole work (repairs, maintenance, installation, inspection, etc.)
- The Industry has expressed that they will continue to comply with OSHA requirements as well as their own safety policy and procedures.
- To ensure Miami-Dade County employee safety, County Departments may continue to utilize two-person crews during manhole work.

IV. ECONOMIC IMPACT

N/A. (see Comments and Questions)

V. COMMENTS

Over the years, utility companies have complied with Ordinance 83-3, by contracting with security companies to provide additional personnel. However, the utility companies do not feel the true brunt of the additional expense because the costs are usually passed on to their customers.

- Pursuant to the Florida Public Service Commission and Section A2.4.6 of Bellsouth General Subscriber Service Tariff, Bellsouth has been able to comply with Ordinance 83-3 by contracting for additional personnel and recuperating the expense through a monthly manhole fee charged to their customers.
- In this case, Bellsouth feels the Manhole Ordinance is no longer necessary. Bellsouth expressed that they provide service to nine (9) states in the southeast region (Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, & Tennessee) and Miami-Dade County is the only jurisdiction within these states with an ordinance of this kind. They have gone further by stating that no other local government in Florida has a similar requirement.
- Prior to the adoption of Manhole Ordinance, Bellsouth states that they used a second person during manhole work only when the conditions required it. Bellsouth now believes the ordinance is not called for due to the safety policy and procedures they have placed on themselves, the high tech equipment used during manhole work, and the OSHA requirements they must adhere to.
- Bellsouth also states that the ordinance would have a direct affect on their customers' monthly bill. In the last 3 years, Bellsouth believes they have accrued an average cost of \$1.5 million complying with this ordinance. With 1.3 million access lines currently being served in Miami-Dade County by Bellsouth, the manhole fee has fluctuated between 8-13 cents per line.

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- Although, the fee seems minimal, Bellsouth has stated that repealing this ordinance would assist them and other utilities in cutting additional expenses customers see adding up on their bill. Repealing the ordinance would allow the company to eliminate the manhole fee on their customer bills within approximately 30 days.

VI. QUESTIONS

- With safety being the primary intent for the adoption of the Manhole Ordinance, can someone speak to:
 - How often manhole accidents take place (in Miami-Dade County) and the nature of the accidents?
 - The actual precautionary measures or safety equipment that will be used in the absence of this ordinance?

LEGISLATIVE ANALYSIS

RESOLUTION RATIFYING THE COUNTY MANAGER'S ACTIONS, AS AUTHORIZED BY SECTION 2-8.2.7 OF THE CODE OF MIAMI-DADE COUNTY IN APPROVING ACTIVITIES LISTED ON THE ATTACHED SCHEDULES FOR CAPITAL IMPROVEMENT PROJECTS

County Manager

I. SUMMARY

This resolution ratifies the County Manager's action in conjunction with the County's Expedite Ordinance for the period from August 24, 2005 through November 16, 2005.

II. PRESENT SITUATION

No Change

III. POLICY CHANGE AND IMPLICATION

Ratification of these contracts and/or adjustments is consistent with current County Policy.

IV. ECONOMIC IMPACT

Contract Awards: \$7,266,159

Changer Orders: Increase of \$71,674

V. QUESTIONS

Bid Rejections

- **South Miami Stormwater Treatment and Distribution Area (20030041A)**

Why does the Department feel there was only one (1) bid proffered?

Why was said bid so much higher (70%) than the Department's estimate for the project?

- **Street Light Retrofitting (Contracts 4 & 5)**

Was the Streetlight Retrofit Project a sole award to Horsepower Electric?

If not, why does the Department believe there was only one bidder?

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- **PTP School Signals (no. 2)**

Why does the Department believe there was only one bidder?

ADDITIONAL INFORMATION

<u>Item#</u>	<u>Subject Matter</u>	<u>Comments/Questions</u>
4C	Interlocal Agreement with City of Florida City (RE: Area C1 Boundary Change)	<ul style="list-style-type: none">• This Annexation will be the 1st of its kind (because 100% of the property is outside the UDB). <p>Important to Note-</p> <ul style="list-style-type: none">• Definitions: Clause #6: Notwithstanding the forgoing, if the County subsequent to this interlocal agreement changes the UDB line, then the City will acquire jurisdiction over all land use, zoning and development regulation and decisions.• With the BCC slated to address some controversial CDMP applications during their next CDMP meeting (April 2006), there are talks that Florida City may bring forth a DRI during that time.